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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/818,245 03/14/97 OGINO

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EXAMINER

QM01/1026

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BELLA, M

ART UNIT

PAPER NUMBER

2621

42

DATE MAILED:

10/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

02/010,245

Applicant(s)

Examiner

Mark S. Zelle

Group Art Unit

2621

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on Aug. 11, 2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 3, 4, 7, 38, 40-50 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 3, 4, 7 is/are allowed.
- ☒ Claim(s) 38, 40-50 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on August 11, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/818,240 is acceptable and a CPA has been established. An action on the CPA follows.

Applicant argues Outa does not disclose that first image data is selected from image data displayed by displaying means and color balance control is produced on the basis of the selected first image data.

In reply, the Examiner notes Outa teaches an original document is placed on the digitizer 16, and a desired area is designated by using a point pen 421 (col. 32, lines 26-27, the designating corresponding to selecting first image data). Out also teaches that after it has been confirmed that a proper area is designated, a area designation mode is selected among trimming, masking, and image separation. If image separation is selected than color balance can be selected (col. 32, lines 39-43) based on the area designated (col. 33, lines 37-54).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 38, 40, and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usami (5,696,840) in view of Nagasaki et al (5,153,730) and in further view of Out (4,922,335).

As to claim 38, Usami shows an image processing system, comprising;  
a memory means for storing an image signal outputted from an image pickup means (fig. 1, element 8 and col. 11, lines 25-29);

reproducing means for reproducing the image signal stored by the memory means (fig. 1, output of element 8);

producing a color correction table (i.e, color balance control) on the basis of a first image signal (fig. 1, element 9);

a signal correcting means for correcting the color balance of a second image signal reproduced by the reproducing means on the basis of the color balance control data, the second image signal being different than the first signal (col. 2, lines 35-53, reusing the system).

Usami does not disclose a detachable memory. Nagasaki teaches producing correction data by Y-C separation, filtering and the like, on the signal read from a memory card 34 and supplied to it through a common bus (col. 6, lines 31-57). A memory card being detachable for increased memory capacity and a transportable memory. It would have been obvious to one of ordinary skill for Usami to use a detachable memory in place of attached memory,

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because Nagasaki teaches memory cards are used to download image data to be corrected for increased memory capacity and transportable memory.

Usami also does not teach selecting color balance control from an image displayed. Out teaches selecting and more accurately correcting color balance by selecting color balance control from an image displayed (col. 32, lines 21-50 and col. 40, lines 23-37). Out teaches an original document is placed on the digitizer 16, and a desired area is designated by using a point pen 421 (col. 32, lines 26-27, the designating corresponding to selecting first image data). Out also teaches that after it has been confirmed that a proper area is designated, a area designation mode is selected among trimming, masking, and image separation. If image separation is selected than color balance can be selected (col. 32, lines 39-43) based on the area designated (col. 33, lines 37-54). It would have been to one of ordinary skill in the art for Usami to use select color balance control from an image displayed, as taught by Out, to selectively and more accurately correct an image color balance.

As to claim 40, Usami further shows holding means, ROM 13, for holding the reference information, signal processing means performing a processing on image signals other than the image signal used to produce the reference information, on the basis of the reference information held by the holding means.

As to claim 42, Usami further shows designating means designates correcting data on the basis of the reference signal (col. 2, lines 45-50).

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As to claim 43, Usami further shows holding means, CPU 7 and ROM 13, for holding the correction data, signal processing means performing a processing on image signals other than the reference signal on the basis of the correction data held by the holding means (see col. 2, lines 45-50).

As to claim 44, Usami further shows a displaying means for displaying an image associated with an image signal outputted from the signal processing means (fig. 1, monitor 12).

As to claims 45-50, they recite what is discussed above regarding claims 38 and 40-44.

*Allowable Subject Matter*

4. Claims 7, 3, and 4 are allowable over the prior art of record.
5. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

Control information is copied from second memory means to the first memory means when the second memory means is removed from the apparatus. When third memory means is attached to the apparatus, control information copied from second memory means to first memory means is copied from first memory means to third memory means, in combination with other limitations of claim is not shown or suggested by the prior art.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Bella, whose telephone number is (703) 308-6829. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays. The fax number for this Group is (703) 306-5406.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

MCB

October 23, 2000

Matthew C. Bella  
Primary Examiner

A handwritten signature in black ink, appearing to read "Matthew C. Bella", written in a cursive style.